

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM REYES,

Petitioner,

- against -

THOMAS LAVALLEY, Superintendent,
Clinton Correctional Facility,

Respondent.

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MATSUMOTO, United States District Judge:

MEMORANDUM & ORDER

10-CV-2524 (KAM)(LB)

On June 1, 2010, *pro se* petitioner William Reyes ("petitioner") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1, Petition for Writ of Habeas Corpus, 6/1/2010.) On August 31, 2011, this court referred the case to Magistrate Judge Lois Bloom for a Report and Recommendation. (Order Referring Case, 8/31/2011.) Magistrate Judge Bloom issued her Report and Recommendation on April 9, 2012, in which she recommended that petitioner's application for a writ of habeas corpus, request to stay the case, and to amend the petition should be denied. (ECF No. 11, Report and Recommendation, 4/9/2012.) Petitioner requested an extension of time to file a reply, which Magistrate Judge Bloom granted, giving petitioner until May 21, 2012, to file objections. (ECF Nos. 12-13.) Petitioner filed his objections to the April 9, 2012 Report and Recommendation on May 25, 2012. (ECF No. 14, Objection, 5/25/2012.)

On February 19, 2013, petitioner filed a motion to amend his petition, which is currently pending before this court. (ECF No. 16, Motion to Amend/Correct/Supplement Petition, 2/19/2013.) Magistrate Bloom issued another Report and Recommendation on May 7, 2013, in which she recommended denying petitioner's motion to amend the petition. (ECF No. 19, Report and Recommendation, 5/7/2013 ("May 7 R&R").)

The May 7 R&R explicitly stated that the parties had 14 days from service to file written objections, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). (*Id.* at 9.) Petitioner filed a letter motion for an extension of time to file a response to the May 7 R&R on May 20, 2013. (ECF No. 20, Letter Motion for Extension of Time to file Response/Reply, 5/20/2013.) Magistrate Judge Bloom granted the request on May 22, 2013, giving petitioner until June 28, 2013, to file any objections to the May 7 R&R. (ECF No. 21, Order granting Extension, 5/22/13.) Petitioner has not filed any objections. The statutory period for filing objections has now expired, and no objections to Magistrate Judge Bloom's May 7 R&R have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and

Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted)).

Upon a review of the May 7, 2013 Report and Recommendation, and considering that the parties have failed to object to any of Magistrate Judge Bloom's thorough and well-reasoned recommendations, the court finds no clear error in Magistrate Judge Bloom's May 7, 2013 Report and Recommendation and hereby affirms and adopts the May 7, 2013 Report and Recommendation as the opinion of the court. Accordingly, petitioner's motion to amend his petition is denied. Respondent shall serve a copy of this Order on petitioner and note such service on the docket by September 12, 2013.

SO ORDERED.

Dated: September 10, 2013
Brooklyn, New York

_____/s/_____
Kiyo A. Matsumoto
United States District Judge